

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

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Paper No. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte THOMAS P. ORLOFSKY

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Appeal No. 2000-0377  
Application 08/777,841<sup>1</sup>

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ON BRIEF

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Before BARRETT, FLEMING, and DIXON, Administrative Patent Judges.  
BARRETT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1 and 3-17.

We affirm-in-part.

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<sup>1</sup> Application for patent filed December 26, 1996, entitled "Remote Viewing of Rack-Mounted Printed Circuit Cards."

BACKGROUND

The invention relates to systems and a method for displaying images indicative of the appearance of electronic circuits located at a remote site.

Claims 1 and 6 are reproduced below.

1. For a collection of electronic circuits located at a site, at least some of which bear visual signal indicators, the improvement comprising:

- a) a data storage facility, located at the site, which stores image-data indicative of a view of each individual electronic circuit;
- b) controller means for
  - i) examining a group of the electronic circuits and identifying the type of each electronic circuit within the group;
  - ii) transmitting data indicating the types within the group to a remote location; and
  - iii) if a system at the remote location requests image-data corresponding to specific types, transmitting said image-data to the remote location.

6. A system, comprising:

- a) a workstation; and
- b) means for obtaining, from a remote location, data which enables the workstation to produce a visual image indicative of
  - i) physical appearance of electronic circuitry located at the remote location; and
  - ii) visual signals currently displayed by the electronic circuitry, said visual signals including two or more of the following:

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- A) positions of mechanical toggle switches,
- B) positions of rotary switches, and
- C) colors of illuminated light sources.

The Examiner relies on the admitted prior art (APA) of Appellant's figure 2, described in the specification at pages 2-4, and following references:

Hotka	5,452,415	September 19, 1995
Yamada	5,798,738	August 25, 1998
		(filed March 25, 1996)
Taguchi	5,815,080	September 29, 1998
		(filed February 15, 1996)

Claims 1, 3-5, 9, 11, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hotka and Yamada.

Claims 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hotka, Yamada, and the APA.

Claims 10, 12, and 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hotka, Yamada, and Taguchi.

We refer to the final rejection (Paper No. 5) (pages referred to as "FR\_\_") and the examiner's answer (Paper No. 8) (pages referred to as "EA\_\_") for a statement of the Examiner's rejection, and to the brief (Paper No. 7) (pages referred to as "Br\_\_") and reply brief (Paper No. 9) (pages referred to as "RBr\_\_") for a statement of Appellant's arguments thereagainst.

OPINION

Claims 1, 3-5, and 7-17

Independent claims 1 and 4 are grouped to stand or fall together. Claim 1 is analyzed as representative.

The Examiner finds (FR2-3; EA3-4) that Hotka teaches the subject matter of claim 1 except for the claimed "controller means for . . . transmitting data indicating the types within the group to a remote location" in paragraph (b)(ii). The Examiner finds that Yamada teaches a controller means for transmitting appearance data to a remote location (FR3; EA3). The Examiner concludes that it would have been obvious to modify Hotka to provide for transmission of appearance data in view of Yamada, "to obtain the combined apparatus/method of Hotka-Yamada because it would result in ease of information retrieval for the user" (emphasis omitted) (FR3) and "because it would enable a user, from his/her own workstation, to monitor the health of hardware located at remote location(s), thus [providing] quick detection/troubleshooting of any hardware malfunction" (emphasis omitted) (EA4).

Appellant argues that neither Hotka nor Yamada, nor the combination of Hotka and Yamada, teach or suggest the three limitations of claim 1, paragraph (b), i.e., even if the references are combined, the limitations of claim 1, paragraph (b) are not met (Br10-14). It is argued (Br13-14) that

the Examiner has not shown where Hotka teaches the limitation of "examining a group of the electronic circuits and identifying the type of each electronic circuit within the group" in claim 1, paragraph (b)(i). It is argued that Yamada does not transmit data indicating the "type" of electronic circuit within the group as recited in paragraph (b)(ii), but only transmits data indicating the "type" of push-button (round or square) which is to be displayed, and does not transmit "image-data corresponding to specific types" as recited in paragraph (b)(iii) (Br10-11). It is argued that the Examiner's rationale in the final rejection ("ease of information retrieval for the user") merely sets forth a supposed characteristic of the combination of references and does not provide a motivation for combining the references in the first place (Br14). Moreover, it is argued that the "ease of use" rationale is purely conclusory (Br14-15). Appellant further argues that providing transmission of information in Hotka is not valid motivation since Hotka already provides this function (Br15) and such modification would change the principle of operation of Hotka (Br16).

Hotka discloses that a communications node (shown as 1633 SX in figure 1) includes a bay that consists of one or more shelves of various subcomponents. For example, the OFFICE02 node 14 (figures 1 and 2), as shown in figure 3, has Bay 2, designated by block 72 and includes the shelves that bracket 78 bounds, and

Bay 3, designated by block 76 and includes shelves that bracket 78 bounds (col. 4, line 58 to col. 5, line 19). Figure 4 of Hotka teaches input/output (I/O) shelf graphic representation 110 that shows the components of I/O shelf 92 (col. 5, lines 35-47). The graphic representation includes representations of status indicators, such as indicator 124, which show green, yellow, or red depending on the status of the associated unit (col. 5, lines 47-52). To permit the user to completely change the graphical representation of the network on demand, the templates that represent 1633 SX bays and shelves have been reduced to templates representing all levels of integration necessary to configure a 1633 SX and these templates include each bay representation that the 1633 SX supports and each kind of shelf of a 1633 SX bay (col. 6, lines 49-68). The representation of the templates accurately reflect the hardware representation that the user seeks to monitor (col. 7, lines 6-8). The user configures the graphics templates (col. 7, lines 26-29).

The nodes 12, 14, and 16 in figure 1 of Hotka are controlled by the management control 18 and are monitored through system monitoring software, such as that provided by Advanced Computing Devices, Inc. (ACD) (col. 3, lines 37-44). The ACD software provides signals to the controller 18 for display visually using templates (col. 3, lines 53-61). As far as we can determine, the nodes themselves do not store "image-data indicative of a view of

each individual electronic circuit," as recited in claim 1, paragraph (a); the "image-data" is provided by templates at the management control. Thus, the Examiner errs in finding that Hotka discloses the limitations of claim 1, paragraph (a). Moreover, since no "image-data" is stored at the nodes, the system cannot perform the function of paragraph (b)(iii).

Hotka does not disclose "controller means for . . . examining a group of the electronic circuits and identifying the type of each electronic circuit within the group," as recited in claim 1, paragraph (b)(i). The fact that Hotka is programmed to display different types of circuits, as found by the Examiner (EA7), does not imply the machine function of "examining . . . and identifying the type" at the site (corresponding to a node in Hotka) as claimed. Since Hotka does not examine and identify the types of electronic circuits at the site (node), it does not perform the function of "transmitting data indicating the types within the group to a remote location," as recited in claim 1, paragraph (b)(ii) and cannot perform the function of paragraph (b)(iii). Furthermore, since the templates (corresponding to the claimed "image-data") are set up by the user at the management control 18, there is no controller means for "examining . . . and identifying the type of each electronic circuit" as recited in claim 1, paragraph (b)(i) and no transmission of "image-data" in response to a request as recited

in claim 1, paragraph (b)(iii). In summary, while Hotka discloses displaying image data for a collection of electronic circuits located at a site, we find it does not disclose or suggest any of the limitations of claim 1, paragraphs (a) or (b).

The Examiner vaguely relies on Yamada's teaching of the transmission of appearance data. However, Yamada does not disclose "controller means for . . . examining a group of the electronic circuits and identifying the type of each electronic circuit within the group," as recited in claim 1, paragraph (b)(i), or "transmitting data indicating the types within the group to a remote location," as recited in claim 1, paragraph (b)(ii). Yamada transmits appearance data, which is "image-data," but does not do so in response to a request for image data corresponding to a specific type as recited in claim 1, paragraph (b)(iii). The "TYPE" information in Yamada is merely data indicating a type of figures of the button, such as a circle or square (col. 12, lines 1-2), and does not indicate the type of electronic equipment. Accordingly, the combination of Yamada and Hotka, even if properly combined, does not teach all of the limitations of claim 1. Thus, the Examiner has failed to establish a prima facie case of obviousness with respect to independent claim 1. Independent claim 4 contains similar limitations to those discussed with respect to claim 1 and, therefore, a prima facie case of obviousness has likewise not



been established with respect to claim 4. The rejections of claims 1, 3-5, and 7-17 are reversed.

Although we have reversed the Examiner's rejection of independent claims 1 and 4, and their dependent claims, we nevertheless comment on a couple of the Examiner's statements.

The Examiner states that Appellant's arguments are not persuasive because one cannot show nonobviousness by attacking references individually when the rejection is based on a combination of references (EA7). Appellant responds that the arguments merely show that, even if combined, the claim elements are not shown in the references (RBr1).

We agree with Appellant. Manifestly, if none of the references teach a claimed feature, as shown by addressing the references individually, then the combination of references will also not contain the claimed feature. The admonition against attacking references individually applies where an applicant fails to address the combined teachings of the references.

The Examiner states that it is not necessary for the references to expressly suggest the modification and that the rationale to combine is that "it would enable a user, from his/her own workstation, to monitor the health of hardware located at a remote location(s); quick detection/troubleshooting of any hardware malfunction is an advantage for monitoring hardware at remote locations" (EA8).

While it is true that the references need not expressly state the motivation, the motivation must come from somewhere in the evidence of record, such as the knowledge of one of ordinary skill in the art or in the nature of the problem to be solved. It is not persuasive to just make up a rationale that might fit the circumstances, as the Examiner appears to have done, because the lack of factual support smacks of hindsight. In any case, however, we find that the combination does not meet all of the limitations of claims 1 and 4.

Claim 6

The Examiner finds that the combination of Hotka and Yamada meets the limitations of claim 6 except for providing a visual representation of positions of mechanical toggle switches and rotary switches (FR4; EA5). The Examiner finds that the APA of Appellant's figure 2 shows visual representation of positions of mechanical toggle switches and rotary switches as prior art (FR4; EA5). The Examiner concludes that it would have been obvious to add the visual representation of mechanical toggle switches and rotary switches, as taught by the APA, to the combination of Hotka and Yamada "because it would result in ease of operation and realistic view of system" (emphasis omitted) (FR4) and "because it would help a user, from his/her workstation, to

easily identify hardware configuration/setting located at a remote location(s)" (emphasis omitted) (EA4).

Appellant argues that subparagraphs 6(b)(ii)(A) and (B) are mechanical switches requiring mechanical movement by a human or robot for operation, whereas both references refer to remote control of the subject matter viewed (Br18). Thus, it is argued, the references, by teaching remote control, teach against adding those switches to their displays because the switches cannot be controlled remotely (Br18). It is argued that the Examiner's rationale for combining is flawed (Br18-19).

Hotka teaches providing a visual image indicative of the physical appearance of electronic circuitry located at a remote location including visual signals including the colors of illuminated light sources. Hotka does not teach (1) means for obtaining, from a remote location, data enabling the workstation to produce a visual image indicative of the physical appearance of the electronic circuits, or (2) visual signals indicating the positions of mechanical toggle switches or rotary switches. As to difference (1), the Examiner concluded that it would have been obvious to transmit appearance data from a remote location in Hotka in view of the teachings in Yamada. Appellant does not contest this conclusion. Nevertheless, we note that Yamada discloses means for obtaining data which permits a workstation to

produce a visual image of electronic circuitry (a copier) located at a remote location and agree with the Examiner's conclusion.

As to difference (2), the Examiner concludes that it would have been obvious to indicate the position of toggle or rotary switches in Hotka, as modified by Yamada, in view of the APA. The APA of figure 2, described in Appellant's specification at pages 2-4, describes providing a visual image indicative of the physical appearance of electronic circuitry located at a remote location (the "static" image) upon which is imposed a "dynamic" image representing the status of the signal indicators, including the colors of illuminated light sources and the positions of switches and rotary dials. There must be means for obtaining data from the remote location which enables the workstation to produce the "dynamic" status information on switches and lights in paragraph (b)(ii). Thus, the APA teaches that it would have been obvious to one of ordinary skill in this art to display the position of remotely located toggle and rotary switches, as well as status lights, for the purpose of remote viewing of electronic circuits. The combination of references provides sufficient evidence to establish a prima facie case of obviousness.

Appellant's argument about the switches is not persuasive since the APA expressly teaches providing a visual indication of the position of mechanical toggle and rotary switches and one of

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ordinary skill in the art would have been motivated to use a visual indication of such mechanical switches when present.

As to the arguments about lack of motivation to combine, we are not particularly persuaded by the Examiner's reasoning in the final rejection or the examiner's answer. Nevertheless, the APA expressly provides motivation to display the position of toggle or rotary switches in addition to the status of indicator lights for the purpose of remote viewing of settings of electronic circuits. Thus, we find the motivation to be present in the APA.

Appellant has not shown error in the prima facie case of obviousness. The rejection of claim 6 is sustained.

#### CONCLUSION

The rejections of claims 1, 3-5, and 7-17 are reversed.

The rejection of claim 6 is sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

#### AFFIRMED-IN-PART

LEE E. BARRETT	)	
Administrative Patent Judge	)	
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	)	BOARD OF PATENT
MICHAEL R. FLEMING	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	

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JOSEPH L. DIXON )  
Administrative Patent Judge )

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